

ATTORNEY DOCKET NO. 13054STUS01U (NORT10-00092)
U.S. SERIAL NO. 09/735,791
PATENT

REMARKS

Claims 1-23 are pending in the application.

Claims 1-23 have been rejected.

Claims 4 and 16 have been canceled, without prejudice.

Claims 1, 12 and 13 have been amended, as set forth herein.

I. REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, 4, 5, 12-14, 16 and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Baiyor, et al. (US 6,574,325 B1). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Applicant respectfully reiterates and incorporates its argument/remarks from the prior response. However, Applicant has amended independent Claims 1, 12 and 13 to recite that the DN of the incoming call is associated with a subscriber line, and that an outgoing call is initiated to the subscriber line.

Baiyor recites that when a call is placed to a special directory number (referred to as either a pilot DN or primary DN), the call is directed to multiple different secondary DNs. See, Col. 3, line

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58 thru Col. 4, line 28; col. 11, lines 58-61; and Col. 13, lines 22-32. Baiyor fails to disclose that when the DN is associated with a subscriber line, an outgoing call is initiated to that subscriber line (see, Claims 1, 12 and 13, as amended). Baiyor does not disclose initiating an outgoing call to a specific subscriber line (telephony device) having the DN of the incoming call. Therefore, Baiyor fails to disclose each and every element of Applicant's claimed invention, as set forth in independent Claims 1, 12 and 13.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 1, 2, 4, 5, 12-14, 16 and 17.

II. REJECTION UNDER 35 U.S.C. § 103

Claims 3, 6-11, 15, and 18-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baiyor, et al. (US 6,574,325 B1) in view of Otto (US 6,163,606) or Brennan. The rejection is respectfully traversed.

As set forth above in response to the 102 rejection, Baiyor fails to disclose one or more elements/features recited in Applicant's independent Claims 1, 12 and 13 (as amended). Neither of the secondary references appear to disclose, teach or suggest these elements/features as well. Therefore, none of the cited references, either alone or in combination, disclose teach or suggest Applicant's invention as claimed.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims 3, 6-11, 15, and 18-23.

Primary/Plat
DN is a
subscriber
line.
The subscriber
line is the upper
wire (annoy
to the CPE with
a dedicated DN
on it

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III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

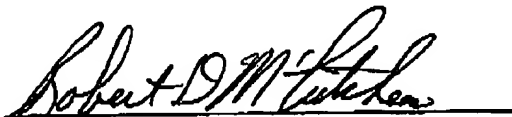
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date:

2/12/2004



Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *rmccutcheon@davismunck.com*